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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,497	08/24/2001	Timothy R. Faber	CRC-148/47181-00248	3304
23569	7590	11/29/2004	EXAMINER	
SQUARE D COMPANY INTELLECTUAL PROPERTY DEPARTMENT 1415 SOUTH ROSELLE ROAD PALATINE, IL 60067			LUK, LAWRENCE W	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/939,497	FABER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lawrence W Luk	2838	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-14, 23 and 32 is/are allowed.
- 6) ☒ Claim(s) 1-3, 15-17, 24-26, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 4-8, 18-22 and 27-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/30/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaViolette (3,812,370) in combination with Kopf, III (2002/0139741).

As to claim 1, LaViolette disclose in figure 1, column 4, lines 48-68, an improved filter assembly comprising: a filter housing (11) having at least two filter (23, 24) mounting zones for receiving at least two filter assemblies, so as to define, in the aggregate, a filter assembly, but fails to teach said filter assembly comprising a filter body having a given peripheral configuration and a filter gasket configured for interfitting about a periphery of said filter body for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both upon assembly and in operation.

Kopf, III disclose in figure 2, 9 & 9A, column 1, [0014, 0032], said filter assembly comprising a filter body having a given peripheral configuration and a filter gasket configured for interfitting about a periphery of said filter body for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both upon assembly and in operation.

It would have been obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of LaViolette to include a filter assembly comprising a filter body having a given peripheral configuration and a filter gasket configured for interfitting as taught by Kopf, III for the purpose of increasing the filter area.

As to claim 2, LaViolette in view of Kopf, III are applied supra, and Kopf, III further disclose in column 2, [0024], said filter gaskets are comprised of a silicone material.

As to claim 3, LaViolette in view of Kopf, III are applied supra, and Kopf, III further disclose in column 2, [0029], each of said filter bodies has a peripheral recessed portion for positioning, mounting and bearing against a complementary edge portion of said filter gasket.

As to claims 15 and 24, LaViolette in view of Kopf, III are applied supra, and Kopf, III further disclose in column 2, [0031, 0032, 0033 & 0034], sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both during assembly and in operation.

As to claims 16 and 25, LaViolette in view of Kopf, III are applied supra, and Kopf, III further disclose in column 2, [0024], said sealingly engaging includes intertitting a filter gasket comprised of a silicone material with each filter element.

As to claims 33 and 34, LaViolette in view of Kopf, III are applied supra, and Kopf, III further disclose in column 2, [0031, 0032, 0033 & 0034], interfitting a filter gasket about a periphery of said filter body for sealingly engaging said filter body

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relative to said filter housing in response to forces encountered by said filter assemblies both upon assembly and in operation; and interfitting said filter assemblies in said filter mounting zones, each of said filter mounting zones receiving one of said filter assemblies.

3. Claims 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaViolette (3,812,370) in combination with Kopf, III (2002/0139741) as discussed above, and further in combination with Fichter (4,217,121).

As to claims 16 and 26, Laviolette and Kopf, III disclose the elements as claimed, except for said sealing includes positioning peripheral recessed portion of each filter body for bearing against a complementary edge portion of one of said filter gaskets.

Fichter disclose in column 4, lines 22-25, said sealing includes positioning peripheral recessed portion of each filter body for bearing against a complementary edge portion of one of said filter gaskets.

It would have been obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of LaViolette and Kopf, III to include said sealing includes positioning peripheral recessed portion of each filter body for bearing against a complementary edge portion of one of said filter gaskets as taught by Fichter for forming a seal prevent the recess surface.

***Allowable Subject Matter***

3. Claims 9-14, 23 and 32 are allowed for reasons record.

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4. Claims 4-8, 18-22 and 27-31 are objected to as being dependent upon a rejected base claim. The prior art of record fails to teach or reasonably suggest that:

As to claim 4, a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, said coarse hole diffuser including means for engaging and interfitting with said filter housing in close overlying engagement with said small hole diffuser.

Claims 5 and 8 are dependent on claim 4.

As to claims 6, 20 and 29, said filter housing comprises a frame-like, one-piece molded member having a recessed area for receiving each of said filter elements and an associated gasket therewithin, including separate areas for cooperatively interfitting with and bearing against edges of said gaskets opposite edges thereof bearing against said filter elements, and a projecting frame-like peripheral portion extending outwardly for surrounding engagement with said filter elements, said spacer and said small hole diffuser.

Claim 7 is dependent on claim 6.

Claim 21 is dependent on claim 20.

Claim 30 is dependent on claim 29.

As to claims 18 and 27, engaging a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, with said filter housing in close overlying engagement with said small hole diffuser.

Claims 19 and 22 are dependent on claim 18.

Claims 28 and 31 are dependent on claim 27.

Claims 4-8, 18-22 and 27-31 would be allowable if rewritten in independent from including all of the limitations of the base claim.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL  
November 24, 2004

*Lawrence Luk*  
*examiner*  
*11/24/04*